

Passed 3-9-96
JMS

MANUFACTURED HOUSING ORDINANCE FOR THE TOWN OF ETNA

Section 1 Purpose

The purpose of the Manufactured Housing Ordinance shall be:

- A.** To assure the comfort, convenience, health, safety, and general welfare of the inhabitants of Etna; and
- B.** To establish a condition of safety that will allow manufactured housing units to perform in a manner that will greatly reduce hazards that present an imminent and unreasonable risk of death of serious personal injury.

Section 2 Applicability, Authority, Administration, and Effective Date

A. Applicability

These standards contained within shall apply to all manufactured housing units built before June 15, 1976, or not built according to the National Manufactured Housing Construction and Safety Standards Act of 1974, US Code, Title 42, Chapter 70, to be relocated from another municipality to an individual lot or in a mobile home park in the Town of Etna. Nothing within this ordinance shall prevent the relocation of a manufactured housing unit, regardless of its year of manufacture, that is legally sited within the town as of the date said ordinance is approved by the town.

B. Authority

1. This ordinance is adopted pursuant to and consistent with Title 30-MRSA, Section 4358 and Section 3001.
2. This ordinance shall be known and cited as the "Manufactured Housing Ordinance for the Town of Etna.

C. Administration

The Code Enforcement Officer shall administer the ordinance.

D. Effective Date

This ordinance shall take effect and be in force from the date of its adoption.

Section 3 Definitions

In the interpretation and enforcement of this ordinance, all words other than those specifically defined in the ordinance, shall have the meaning indicated in the definitions section of the Subdivision Ordinance of the Town of Etna, or implied by their context in this ordinance, or their ordinarily accepted meaning.

The word "person" includes firm, association, organization, partnership, trust, company, or corporation, as well as an individual or any other legal entity.

The words "shall" is mandatory, the word "may" is permissive.

The word "Town" means the Town of Etna, Maine.

Code Enforcement Officer (CEO): The person appointed to administer and enforce this ordinance. Reference to the Code Enforcement Officer (CEO) may be construed to include Building Inspector, Plumbing Inspector, Electrical Inspector, and the like, where applicable.

Frost Wall: A masonry foundation wall extending below the ground surface, supported by footings located below the frost line to protect structures from frost heaves.

Manufactured Housing Unit: A structural unit or units designed for occupancy and constructed in a manufacturing facility and transported by the use of its own chassis, or an independent chassis, to a building site. The term includes any type of building which constructed at a manufacturing facility and transported to a building site where it is used for housing and may be purchased or sold by a dealer in the interim. For purposes of this definition, two (2) manufactured housing units are included. They are:

1. Newer Mobile Homes: Those units constructed after June 15, 1976, commonly called "newer mobile homes," which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures transportable in one or more sections, which in the traveling mode are 14 body feet or more in width and are 750 or more square feet, and which are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained in the unit:

a. This term also includes any structure which meets all the requirements of the subparagraph, except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, US Code, Title 42, Section 5401, et seq.; and

2. Modular Homes: Those units commonly called "modular homes" which the manufacturer certifies are constructed in compliance with Title 10, chapter 957, section 9001 et seq., and rules adopted under that chapter, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on permanent foundations when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained in the unit.

Mobile home park: A plot of land under unified ownership approved by the town as a subdivision for the placement of three (3) or more manufactured housing units.

Mobile Home Subdivision or Development: A parcel of land approved by the Planning Board under the subdivision ordinance of the Town of Etna for the placement of a manufactured housing unit on individually owned lots.

Permanent Foundation: Shall mean all the following:

- a. A full, poured concrete or masonry foundation;
- b. A poured concrete frost wall or a mortared masonry frost wall, with or without a concrete floor;
- c. A reinforced, floating concrete pad for which the town may require an engineer's certification if it is to be placed on soil with high frost susceptibility;
- d. A reinforced framed area containing at least 12 inches of compact gravel; and
- e. A reinforced framed area containing at least 12 inches of crushed stone no larger than one inch in diameter.

Pitched Roof: A roof with a pitch of two (2) or more vertical units for every twelve (12) horizontal units of measurement and which is covered with asphalt or fiberglass composition shingles or other approved materials, but specifically excludes corrugated metal roofing material.

Planning Board: The Planning Board of the Town of Etna.

Section 4. Manufactured Housing

A. Design Standards

1. All manufactured housing units to be relocated into the town from another municipality shall be placed on a permanent foundation, have exterior siding that is residential in appearance, and have a pitched roof covered with shingles of other acceptable materials.
2. Nothing within this ordinance shall prevent the relocation of a manufacturing housing unit from a location within the town to another location within the town, regardless of its year of manufacture, that is legally sited within the town as of the effective date of this ordinance.

B. Manufactured Housing Safety Standards

The following standards shall be required of all manufactured housing units, built **before** June 15, 1976, or not built according to the National Manufactured Housing Construction and Safety Standards Act of 1974, US Code, Title 42, Chapter 70, to be relocated to an individual lot or to a mobile home park lot the town after the effective date of this ordinance.

1. Exit Facilities - Exterior Door

- a. Required egress doors shall not be located where a lockable interior door must be used in order to exit.
- b. Units shall have a minimum of two (2) exterior doors not less than 12 feet from each other as measured in any straight line direction regardless of the length of the travel between doors. One of the required doors must be accessible from the doorway of each bedroom without traveling more than 35 feet.
- c. All exterior swinging doors shall provide a minimum of 28 inches wide by 74 inches high clear opening. Locks shall not require the use of key from the inside.

2. Exit Facilities - Egress Windows and Devices

Units shall have the following emergency egress facilities:

- a. Every room designed expressly for sleeping purposes, unless it has an exit door, shall have at least one outside window or approved exit device. If an exit window or device is installed, it shall be listed in accordance with procedures and requirements of AAMA 1704-1985.
- b. The bottom of the window opening shall not be more than 36 inches above the floor.
- c. Locks, latches, operating handles, tabs, and any other window, screen, or storm window devices, which need to be operated in order to permit exiting, shall not be located in excess of 54 inches from the finished floor.

3. Interior Doors

Each interior door, when provided with a privacy lock, shall have a privacy lock that has an emergency release on the outside to permit entry when the lock has been locked by a locking knob, lever, button, or other locking devices on the inside.

4. Fire Detection Equipment

a. At least one operating smoke detector shall be installed in the unit in the following locations:

1. A smoke detector shall be installed on any wall in the hallway or space communicating with each bedroom area between the living area and the first bedroom door, unless a door separates the living area from that bedroom area, in which case the detector shall be installed on the living area side as close to the door as practical. Units having bedroom areas separated by any one or combination of communication areas such as kitchen, dining room, living room, or family room (but not a bathroom or utility room) shall have at least one detector protecting each bedroom area.

2. When located in hallways, the detector shall be between the return air intake and the living area.

3. The smoke detector shall not be placed in a location which impairs its effectiveness.

4. Smoke detectors shall be labeled as conforming with the requirements of Underwriters Laboratory Standards No. 217, Third Edition, 1985, as amended.

5. Each smoke detector shall be installed in accordance with its listing. The top of the detector shall be located on a wall 4 inches to 12 inches below the ceiling. However, when a detector is mounted on an interior wall below a sloping ceiling, it shall be located 4 inches to 12 inches below the intersection on the connecting exterior wall and the sloping ceiling (cathedral ceilings).

5. Flame Spread

a. Ceiling interior finish shall have a flame spread rating not exceeding 75.

b. Walls or ceilings adjacent to or enclosing a furnace or water heater shall have an interior finish with a flame spread rating not to exceed 25. Sealants and other trim material 2 inches or less in width used to finish adjacent surfaces within this space are exempt if supported by framing members or by material having a flame spread rating not exceeding 25.

c. Exposed interior finishes adjacent to the cooking range shall have a flame spread rating not exceeding 50.

d. Kitchen cabinet doors, countertops, back splashes, exposed bottoms, and end panels shall have a flame spread not exceeding 200.

e. Finish surfaces of plastic bathtubs, shower units, and tub or shower doors shall not exceed a flame spread rating of 200.

f. No burner of a surface cooking unit shall be closer than 12 inches, horizontal or vertical, to a window or an exterior door.

6. Kitchen Cabinet Protectors

- a. The bottom and sides of combustible kitchen cabinets over cooking ranges, to a horizontal distance of 6 inches from the outside edge of the cooking range, shall be protected with at least 5/16 inch thick gypsum board or equivalent limited combustible material. One-inch nominal framing members and trim are exempted from this requirement. The cabinet area over the cooking range or cook tops shall be protected by a metal hood with not less than a 3 inches eyebrow projecting horizontally from the cabinet face. The 5/16 inch thick gypsum board or equivalent material which is above the top of the hood may be supported by the hood. A 3/8 inch enclosed air space shall be provided between the bottom surface of the cabinet and the gypsum board or equivalent material. The hood shall be at least as wide as the cooking range.
- b. The metal hood will not be required if there is an oven installed between the cabinet and the range.
- c. Ranges shall have a vertical clearance above the cooking top of not less than 24 inches to the bottom of combustible cabinets.

7. Carpeting

Carpeting shall not be used in a space or compartment designed to contain only a furnace and/or water heater. Carpeting may be installed in other areas where a furnace or water heater is installed, provided that it is not located under the furnace or water heater.

8. Electrical System

The electrical system shall be inspected to certify that the electrical system is safe and meets the requirements of the National Electrical code in effect at the time the unit was constructed.

Section 5 Inspection, Violations, and Enforcement

A. Inspection

1. All improvements required by this ordinance shall be completed within nine (9) months from the date of (CEO) approval. At least five (5) days prior to commencing construction of the required improvements, the owner shall notify the CEO in writing of the time when he/she proposes to commence construction of such improvements, so that the CEO can cause inspection to be made to assure that all specifications, requirements, and conditions shall be met during the construction of the required improvements, and to assure the satisfactory completion of improvements and utilities required by the CEO, this ordinance, and/or if applicable, the planning board.
2. If the CEO finds upon inspection of the improvements that any of the required improvements have not been constructed in accordance with the specifications, requirements, and conditions, the CEO shall so report in writing to the town officers, owner, builder, and if applicable, the planning board. The town officers or their authorized agent shall take any steps necessary to preserve the town's rights, such as but not limited to, entering into an administrative consent agreement for the purpose of eliminating violations of this ordinance and recovering fines without court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use shall result in a threat or hazard to public health and safety or shall result in substantial environmental damage.

3. If at any time before or during the construction of the specifications, requirements, and condition, it appears to be necessary or desirable to modify the specifications, requirements, and conditions, the owner or builder shall notify the CEO, and if applicable, the planning board, in writing. The CEO is authorized to approve modifications due to unforeseen circumstances. The CEO shall issue any approval under the suction in writing and shall transmit a copy of the approval to the town clerk, and if applicable, the planning board. Revised specifications, requirements, and conditions shall be filed by the CEO

B. Violations

1. Any person, after receiving approval from the CEO, who fails to make the required specifications, requirements, and conditions in a manner other than indicated herein or in violation of any condition imposed by the CEO and /or the planning board, shall be in violation of this ordinance.

2. No public utility, sanitary district, grading or construction of roads, grading of lands or lots, construction of buildings, or any utility company of any kind shall install services to any manufactured housing unit, until approval for such unit has been given by the CEO. Following the installation of service, the company shall forward the written authorization to the CEO indicating that installation has been completed.

C. Enforcement

1. Code Enforcement Officer (CEO)

A. It shall be the duty of the CEO to enforce the provisions of this ordinance. If the CEO shall find that any provision of this ordinance is being violated, the CEO shall notify, in writing, the person responsible for such violations, indicating the nature of the violations and ordering the action necessary to correct it. The CEO shall order the removal of any illegal buildings, structures or work being done, or shall take any other action authorized by this ordinance to insure compliance with, or to prevent violation of, its provisions.

B. The CEO shall maintain a current file of all pertinent federal, state, and local statutes, ordinances, regulations, codes, and plans relating to manufactured housing regulation.

C. The CEO shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to approval. The CEO may enter on property at reasonable hours and enter any structure with consent of the property owner, occupant, or agent, to inspect the property or structure for compliance with the or ordinances.

2. Legal Action and Violations

When any violation of any provision of the ordinance shall be found to exist, the CEO. is hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, that may be appropriate or necessary to enforce the provisions of this ordinance in the name of Town of Etna.

3. Fines

Any person, firm, or corporation being the owner, contractor or having control or use of any unit who violates any of the provisions of this ordinance shall upon conviction be fined in accordance with provisions of Title 30-A MRSA, 4452. Each day such a violation is permitted to exist after notification shall constitute a separate offense. Fines shall be made payable to the Town of Etna.

Section 6 Appeals

A. An aggrieved party may appeal any decision of this ordinance to the Etna Board of Appeals within thirty (30) days. The aggrieved party may appeal the Etna Board of Appeals decision to the Penobscot County Superior Court within thirty (30) days of the board of appeals decision.

Section 7 Legal Status Provisions

A. Separability

Should any section or provision of these ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this ordinance, and to this end, the provision of this ordinance is hereby declared to be severable.

B. Conflicts

Whenever a provision of this ordinance conflicts with or inconsistent with another provision of this ordinance or of any other ordinance, regulation, or statute, the provision imposing a higher standard for the promotion and protection of health and safety, and the greater restriction upon the use of land, buildings, or structures, shall prevail.

Selectmen:

Date:

Town Clerk
